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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

No. CR-07-0645 MMC

12 Plaintiff,

**ORDER RE: LETTER FROM
DEFENDANT MICHAEL JOSEPH SILVA**

13 v.

14 MICHAEL JOSEPH SILVA,

15 Defendant.
_____/

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17 The Court is in receipt of a letter, filed September 1, 2009 by defendant Michael
18 Joseph Silva ("Silva"), by which correspondence Silva seeks an order increasing the
19 number of days of his presentence credit from that calculated by the Bureau of Prisons.

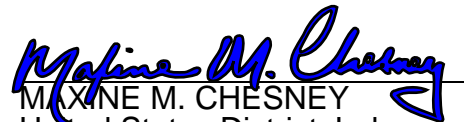
20 A district court has no authority to compute credit for time served. See United
21 States v. Wilson, 503 U.S. 329, 334 (1992). Consequently, the proper means of
22 challenging the calculation of sentence credits is by a petition for a writ of habeas corpus,
23 filed under 28 U.S.C. § 2241. See, e.g., Mendenhall v. Norwood, No. CV 08-1093 ODW
24 (JTL), 2008 WL 2397515 (C.D. Cal. June 9, 2008).

25 Accordingly, the Court will take no action on the above-referenced letter. Should
26 Silva wish to challenge the Bureau of Prisons' calculation, he may file a petition under §
27 2241. Prior to filing any such petition, however, Silva is advised to review the law regarding
28 the need to exhaust his administrative remedies. See Martinez v. Roberts, 804 F.2d 570,

1 571 (9th Cir. 1986) (holding federal prisoner must exhaust available administrative
2 remedies prior to filing habeas petition); see, e.g., Mendenhall, 2008 WL 2397515, at *1-*2
3 (dismissing habeas petition for failure to exhaust administrative remedies where federal
4 prisoner challenged Bureau of Prisons' sentence credit calculation).

5 **IT IS SO ORDERED.**

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7 Dated: September 4, 2009


MAXINE M. CHESNEY
United States District Judge